**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**Civil Review No. 59 of 2007**

1. Smt. Sulochna Devi, wife of Late Ram Krishna Agarwalla
2. Sri Mahendra Kumar Agarwalla
3. Sri Surendra Kumar Agarwalla
4. Sri Bhupendra Kumar Agarwalla
5. Sri Ravindra Kumar Agarwalla
6. Sri Satyendra Kumar Agarwalla
7. Sri Amarendra Kumar Agarwalla

Nos. 2-7, all sons of Late Ram Krishna Agarwalla
All residents of Jharia, P.O+P.S-Jharia, District-Dhanbad

... ... ... Petitioner

Versus

1. Coal India Ltd., a Government Company incorporated under the Companies Act, having its registered Office at 10, Netaji Subhas Road, Kolkata
2. Area General Manger, Nirsha, Eastern Coalfields Ltd., having Office at Nirsha, P.O & P.S-Nirsha, District-Dhanbad .

... ... ... Respondents

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**CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR**

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For the Petitioner: M/s Indrajit Sinha, Kumar Vimal, Suraj Singh
For the Respondents: Mr. Rajesh Lala

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10/27.08.2015 Seeking review of the judgment and order dated 18.5.2007 passed in S. A. No. 33/1990, the present review petition has been filed.

2. Learned counsel for the petitioners submits that vide order dated 27.3.2008 the review petition was dismissed for non-prosecution. In the review petition the petitioners have not urged any ground which would fall under one of the conditions under Order XLVII Rule 1 CPC. The petitioners in the present review petition have challenged the order dated 18.5.2007 on merits. Learned counsel for the respondents relies on a decision of the Hon'ble Supreme Court in *S.N.S (Minerals) Ltd. and another Vs. Union of India and others* reported in *(2007) 12 SCC 132* and a decision of this Court in *Praveen Kumar Vs. State of Bihar (Now Jharkhand)* reported in *2015(3) JBCJ 233 [HC] and* urges that in the garb of review, a party cannot seek decision on merits.

3. I have carefully perused the materials on record.

4. The plea taken by the petitioners that the Trial Court has held that the appellant's colliery, namely, Durga Boka Pahari Colliery was not part and parcel of Badjna Colliery belonging to the Ornamental Coal Company. however, the learned Single Judge held that the Trial Court decided all the issues against the plaintiff-appellant is not supported by the documents on record. The further plea that the learned Single Judge wrongly recorded the submission of the counsel for the appellant is not supported by the affidavit of the counsel, who appeared in the second appeal. The counsel has not filed his affidavit asserting that the order dated 18.5.2007 records submission which was never advanced by him.

5. Considering the fact that the petitioners have failed to make out a ground for review covered under Order XLVII Rule 1 CPC, I am not inclined to entertain this review petition and accordingly, it is dismissed.

Satish/- **(Shree Chandrashekhar, J)**